

SENATE BILL 3459

By Marrero B

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 38, relative to racial profiling.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known, and may be cited as, the "Racial Profiling Prevention Act."

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 1, Part 1, is amended by adding the following new sections as a new part 5:

§ 38-1-501. As used in this part, unless the context requires otherwise:

(1) "Law enforcement agency" means the sheriff's office of any county, the police department of any city or municipality, or the Tennessee highway patrol;

(2) "Law enforcement officer" means a sworn officer of a law enforcement agency; and

(3) "Racial profiling" means the detention, interdiction or other disparate treatment of an individual solely on the basis of their actual or perceived race, color, ethnicity, and national origin.

§ 38-1-502.

(a) No law enforcement office shall engage in racial profiling.

(b) Every law enforcement agency shall adopt a written policy that prohibits the stopping, detention or search of any person when such action is solely motivated by considerations of actual or perceived race, color, ethnicity, or national origin, and the action would constitute a violation of the person's civil rights.

(c) On or before October 1, 2008, the attorney general and reporter shall develop and prescribe a form, in electronic format and posted on the attorney general's web site, to be used to report complaints by people who believe they were subjected to a motor

vehicle stop by a law enforcement officer solely on the basis of their actual or perceived race, color, ethnicity, or national origin.

§ 38-1-503. Any person aggrieved by a violation of § 38-1-502 may file suit in a court of competent jurisdiction and seek damages and injunctive and other appropriate relief. A prevailing plaintiff shall also be entitled to an award of attorney fees and other reasonable costs.

§ 38-1-504. A violation of § 38-1-502 is a class C misdemeanor.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.